

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8708 OF 2007

Shri Harjeet Singh G.Gandhi ...Petitioner

Versus

The Municipal Corporation
of Gr.Bombay and Ors. Respondents

CORAM: S.C.DHARMADHIKARI, J.

29th November, 2007

P.C. :

1. The Order under challenge is on a Chamber Summons. The Chamber Summons was moved by certain individuals for joinder as party defendants in L.C.Suit No.3430 of 2004. The said Chamber Summons being allowed by the Trial Court, the original plaintiff is aggrieved and that is how this subject petition.

2. Mr.Ghogare after arguing the matter for some time, does not dispute that Om Shivam Co-operative Housing Society which has claimed some rights in Plot

No.238, L.J.Road, Mahim, upon which the subject building is constructed, can be joined as party defendant to the suit. Mr.Ghogare's objection is joining of the applicants before the Trial Court, who claim to be the office-bearers of this society.

3. After seeking instructions, the learned counsel appearing for the original applicant on notice, does not object to the Co-operative Housing Society being joined instead of individuals. Accordingly, the Trial Court's order is modified. The Om Shivam Co-operative Housing Society is joined as party defendant no.2 in L.C.Suit No.3430 of 2004. The petitioner plaintiff to amend the plaint accordingly. Leave to amend granted. Amendment to be carried out within a period of two weeks. All contentions on merits are expressly kept open.

sd/-
